

EXHIBIT 3

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA, :
et al., :
 :
 :
Plaintiffs :
 :
v. : No. 1:23-cv-00108
 :
GOOGLE, LLC, :
 :
 :
Defendants. :

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Monday, August 21, 2023

Video Deposition of CHRISTOPHER KOEPKE,
taken at the Law Offices of Paul, Weiss,
Rifkind, Wharton & Garrison LLP, 2001 K St NW,
Washington, DC, beginning at 9:35 a.m. Eastern
Standard Time, before Ryan K. Black, Registered
Professional Reporter, Certified Livenote
Reporter and Notary Public in and for the
District of Columbia

Job No. CS6043164

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<p>1 APPEARANCES:</p> <p>2</p> <p>3 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>4 ANTITRUST DIVISION</p> <p>5 BY: KATHERINE CLEMONS, ESQ.</p> <p>6 VICTOR LIU, ESQ.</p> <p>7 ALVIN CHU, ESQ.</p> <p>8 MARK SOSNOWSKY, ESQ. - Via Zoom</p> <p>9 450 5th Street, N.W.</p> <p>10 Washington, DC 20530</p> <p>11 202.514.2414</p> <p>12 katherine.clemons@usdoj.gov</p> <p>13 victor.liu@usdoj.gov</p> <p>14 alvin.chu@usdoj.gov</p> <p>15 mark.sosnowsky@usdoj.gov</p> <p>16 Representing - The United States of America</p> <p>17</p> <p>18 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP,</p> <p>19 BY: MARTHA L. GOODMAN, ESQ.</p> <p>20 HEATHER C. MILLIGAN, ESQ.</p> <p>21 2001 K St NW,</p> <p>22 Washington, DC</p> <p>23 202.223.7341</p> <p>24 mgoodman@paulweiss.com</p> <p>25 hmilligan@paulweiss.com</p> <p>26 Representing - Google LLC</p> <p>27</p> <p>28 ALSO PRESENT:</p> <p>29 Orson Braithwaite - Legal Videographer</p> <p>30 Kenneth Whitley - Department of Health and Human</p> <p>31 Services</p>	<p>1 THE VIDEOGRAPHER: Good morning. We are</p> <p>2 going on the record at 9:35 a.m. on August 21st,</p> <p>3 2023. Please note that the microphones are</p> <p>4 sensitive and may pick up whispering and private</p> <p>5 conversations. Please mute your phones at this</p> <p>6 time. Audio and video recording will continue to</p> <p>7 take place unless all parties agree to go off the</p> <p>8 record.</p> <p>9 This is Media Unit 1 of the</p> <p>10 video-recorded deposition of Mr. Christopher</p> <p>11 Koepke in the matter of United States, et al.,</p> <p>12 versus Google, LLC, filed in the United States</p> <p>13 District Court Eastern District of Virginia</p> <p>14 Alexandria Division, Case Number</p> <p>15 1:23-cv-00108-LMB-JFA.</p> <p>16 My name is Orson Braithwaite,</p> <p>17 representing Veritext Legal Solutions, and I'm</p> <p>18 the videographer. The court reporter is Ryan</p> <p>19 Black, from the firm Veritext Legal Solutions.</p> <p>20 Counsel will now state their appearances</p> <p>21 and affiliations for the record.</p> <p>22 MS. GOODMAN: Martha Goodman, from Paul</p> <p>23 Weiss, on behalf of Google LLC.</p> <p>24 MS. MILLIGAN: Heather Milligan, also on</p> <p>25 behalf of Paul Weiss, for Google.</p>
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<p>1 INDEX</p> <p>2 TESTIMONY OF: CHRISTOPHER KOEPKE PAGE</p> <p>3 By Ms. Goodman.....6</p> <p>4 EXHIBITS</p> <p>5 EXHIBIT DESCRIPTION PAGE</p> <p>6 Exhibit 65 a document Bates Numbered</p> <p>7 CMS-ADS-11906 through 11974...117</p> <p>8 Exhibit 66 a document Bates Numbered</p> <p>9 CMS-ADS-23248 through 23337...136</p> <p>10 Exhibit 67 a document Bates Numbered</p> <p>11 CMS-ADS-59892 through 59893...151</p> <p>12 Exhibit 68 a document Bates Numbered</p> <p>13 CMS-ADS-593107 through 593110...167</p> <p>14 Exhibit 69 a document Bates Numbered</p> <p>15 CMS-ADS-183807 through 183811...181</p> <p>16 Exhibit 70 a document Bates Numbered</p> <p>17 CMS-ADS-529199 through 529200...190</p> <p>18 Exhibit 71 a document Bates Numbered</p> <p>19 CMS-ADS-189390.....251</p> <p>20 Exhibit 72 a document Bates Numbered</p> <p>21 CMS-ADS-64968 through 64971....258</p> <p>22 Exhibit 73 a document Bates Numbered</p> <p>23 CMS-ADS-440295.....265</p> <p>24 Exhibit 74 a document Bates Numbered</p> <p>25 CMS-ADS-531032 through 531072...268</p> <p>26 Exhibit 75 a document Bates Numbered</p> <p>27 CMS-ADS-569654 through 569667...273</p>	<p>1 MS. CLEMONS: Katherine Clemons, with</p> <p>2 the Department of Justice, on behalf of the</p> <p>3 United States of America, CMS and the witness.</p> <p>4 MR. LIU: Victor Liu, also with the</p> <p>5 Department of Justice, on behalf of the United</p> <p>6 States and CMS.</p> <p>7 MR. CHU: Alvin Chu, on behalf of United</p> <p>8 States.</p> <p>9 MR. WHITLEY: Kenneth Whitley, Office of</p> <p>10 General Counsel, Department of Health and Human</p> <p>11 Services.</p> <p>12 MS. GOODMAN: And could the folks</p> <p>13 attending remotely please state your presence?</p> <p>14 MR. SOSNOWSKY: Mark Sosnowsky,</p> <p>15 Department of Justice, and I will be in and out</p> <p>16 of this deposition remotely. So if you lose me,</p> <p>17 please don't -- you can continue.</p> <p>18 THE VIDEOGRAPHER: Thank you.</p> <p>19 Would the court reporter please swear in</p> <p>20 the witness?</p> <p>21 * * *</p> <p>22 Whereupon --</p> <p>23 CHRISTOPHER KOEPKE,</p> <p>24 called to testify, having been first duly sworn</p> <p>25 or affirmed, was examined and testified as</p>

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<p>1 thing. And -- and just describe other products</p> <p>2 and ask us what our goals are, and what have you,</p> <p>3 so that they would have a better understanding</p> <p>4 about how -- about how their products could be</p> <p>5 used, because, of course, they're trying to sell</p> <p>6 their products.</p> <p>7 Q. Did you find those meetings to be</p> <p>8 valuable?</p> <p>9 MS. CLEMONS: Objection to form.</p> <p>10 THE WITNESS: Valuable in what way?</p> <p>11 BY MS. GOODMAN:</p> <p>12 Q. Valuable to the work that you do at CMS</p> <p>13 in advertising.</p> <p>14 MS. CLEMONS: Objection; form.</p> <p>15 THE WITNESS: I find them valuable, in</p> <p>16 part, because it's really interesting to me to</p> <p>17 see how people do their work. And, yes, some of</p> <p>18 the data analytics that we've actually requested</p> <p>19 that they've done for us have been valuable.</p> <p>20 BY MS. GOODMAN:</p> <p>21 Q. Despite these meetings also being an</p> <p>22 opportunity for Google to explain how their</p> <p>23 products could be used, because, of course,</p> <p>24 they're trying to sell their products, does CMS</p> <p>25 still make an independent decision about which</p>	<p>1 including Google, have a policy that an ad should</p> <p>2 not -- what's the word I'm looking for -- mimic</p> <p>3 -- that's not the word I'm looking for, but it's</p> <p>4 like that, mimic some other existing</p> <p>5 organization, or mimic the government when you're</p> <p>6 not the government, basically.</p> <p>7 So, you know, an ad that says they're</p> <p>8 Medicare, and they're not actually Medicare, is</p> <p>9 misleading to people, and there are a lot of</p> <p>10 those ads on Google. And so when we find them,</p> <p>11 we send them and they -- we have conversations</p> <p>12 about that.</p> <p>13 Q. And what steps, if any, do you ask</p> <p>14 Google to take with respect to these ads -- these</p> <p>15 search ads you're describing?</p> <p>16 A. Take them down immediately. Asked for</p> <p>17 some monitoring support. I've asked for it.</p> <p>18 That is what I've asked for.</p> <p>19 Q. And what -- what has Google, in return,</p> <p>20 provided to you with respect to these search ads?</p> <p>21 A. Google has taken ads down when we find</p> <p>22 them, and that is Whac-A-Mole because anybody can</p> <p>23 put up an ad on Google if they've got a credit</p> <p>24 card. Google has created new policies about</p> <p>25 taking out ads for health insurance, and have met</p>
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<p>1 advertising products or services to use?</p> <p>2 A. Absolutely, yes.</p> <p>3 Q. Okay. Anything else, sitting here</p> <p>4 today, that you can recall about any</p> <p>5 conversations you have had with any individual</p> <p>6 from Google --</p> <p>7 MS. CLEMONS: Objection; form.</p> <p>8 BY MS. GOODMAN:</p> <p>9 Q. -- relative to CMS's advertising?</p> <p>10 MS. CLEMONS: Same objection.</p> <p>11 THE WITNESS: That's a lot to try to</p> <p>12 recall. So it -- true specifics? No.</p> <p>13 Conversations? Yes.</p> <p>14 BY MS. GOODMAN:</p> <p>15 Q. Any other types of conversations, other</p> <p>16 than what we've discussed which you recall having</p> <p>17 with Google?</p> <p>18 A. Yes. Thank you.</p> <p>19 Q. You're welcome.</p> <p>20 A. In the search ad -- in the search ad</p> <p>21 arena, Google accepts ads -- or has accepted ads,</p> <p>22 from people who try to look like the government.</p> <p>23 And we discover these ads sometimes. And every</p> <p>24 time I see one, I would send it to Kunal, to</p> <p>25 Michelle. And -- because most digital companies,</p>	<p>1 with us about those policies.</p> <p>2 Q. So is it fair to say that Google is</p> <p>3 taking steps to address CMS's concerns with</p> <p>4 respect to search ads that mimic the government?</p> <p>5 MS. CLEMONS: Objection to form.</p> <p>6 THE WITNESS: It is fair to say Google</p> <p>7 has taken steps with regard to search ads.</p> <p>8 BY MS. GOODMAN:</p> <p>9 Q. How about with respect to display ads?</p> <p>10 Are you aware of any conduct on the part of</p> <p>11 Google with respect to display ads that has</p> <p>12 negatively impacted CMS's advertising?</p> <p>13 MS. CLEMONS: Objection to form. And I</p> <p>14 would caution the witness not to -- to answer the</p> <p>15 question if your answer would reveal privileged</p> <p>16 communications with counsel.</p> <p>17 BY MS. GOODMAN:</p> <p>18 Q. Are you able to answer that question?</p> <p>19 A. No.</p> <p>20 Q. Prior to having any conversation with</p> <p>21 any lawyer with respect to Google Ads, any lawyer</p> <p>22 from the government, did you ever have any</p> <p>23 concerns that Google was engaging in</p> <p>24 anticompetitive conduct related to display</p> <p>25 advertising?</p>

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<p style="text-align: right;">Page 222</p> <p>1 MS. CLEMONS: Objection to form. Calls</p> <p>2 for a legal conclusion.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MS. GOODMAN:</p> <p>5 Q. And prior to any conversation with any</p> <p>6 lawyer for the government, did you ever have any</p> <p>7 concerns that Google was causing CMS to pay more</p> <p>8 for display advertising than it should have been</p> <p>9 paying?</p> <p>10 A. Could you rephrase that, please -- or</p> <p>11 not rephrase. Just repeat it. That's what I</p> <p>12 meant. I'm so sorry.</p> <p>13 Q. That's okay.</p> <p>14 A. I used the wrong word.</p> <p>15 Q. Prior to any conversation with any</p> <p>16 lawyer for the government, did you ever have any</p> <p>17 concerns that Google was causing CMS to pay more</p> <p>18 for display advertising than it should have been</p> <p>19 paying?</p> <p>20 MS. CLEMONS: Objection; form.</p> <p>21 THE WITNESS: The tough part here is</p> <p>22 "should have been paying." That's an -- a really</p> <p>23 -- that suggests a lot of information.</p> <p>24 That being said, yes.</p> <p>25 BY MS. GOODMAN:</p>	<p style="text-align: right;">Page 224</p> <p>1 BY MS. GOODMAN:</p> <p>2 Q. -- who charge on such a basis, to your</p> <p>3 knowledge?</p> <p>4 MS. CLEMONS: Same objection.</p> <p>5 THE WITNESS: There are other providers.</p> <p>6 BY MS. GOODMAN:</p> <p>7 Q. And do you have the same concerns with</p> <p>8 respect to providers other than Google who charge</p> <p>9 on a cost-per-impression basis?</p> <p>10 MS. CLEMONS: Objection to form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MS. GOODMAN:</p> <p>13 Q. Okay. Has anybody at any advertising</p> <p>14 agency with whom CMS works ever told you that</p> <p>15 Google was engaging in anticompetitive conduct</p> <p>16 related to display advertising?</p> <p>17 A. Not that I recall.</p> <p>18 Q. Okay. So sitting here today, and prior</p> <p>19 to any conversation with any lawyer for the</p> <p>20 government, can you recall any concerns you've</p> <p>21 ever had with respect to Google's conduct and its</p> <p>22 affect on CMS's display advertising purchases?</p> <p>23 MS. CLEMONS: Objection to form.</p> <p>24 THE WITNESS: Extremely informal</p> <p>25 conversations between me and my colleagues.</p>
<p style="text-align: right;">Page 223</p> <p>1 Q. And what -- what concerns did you have</p> <p>2 with respect to Google causing CMS to pay more</p> <p>3 for display advertising than it should have been</p> <p>4 paying prior to any conversation with a lawyer</p> <p>5 for the government?</p> <p>6 A. It is possible -- in fact, indeed,</p> <p>7 probable, that when you are purchasing ads on a</p> <p>8 cost-per-impression basis, that you're buying</p> <p>9 things that are not useful to you.</p> <p>10 Q. And so in what ways has Google, to your</p> <p>11 knowledge, caused you to buy things that are not</p> <p>12 useful to you on a cost-per-impression basis?</p> <p>13 And when I say you, I mean CMS.</p> <p>14 MS. CLEMONS: Objection to form.</p> <p>15 THE WITNESS: It has been a concern that</p> <p>16 we have discussed. Whether it is -- the way you</p> <p>17 put the question was, like, pure knowledge.</p> <p>18 Because other ways to potentially buy, which we</p> <p>19 have not been able to do, would be to buy based</p> <p>20 on outcomes instead of impressions.</p> <p>21 BY MS. GOODMAN:</p> <p>22 Q. And is Google the only provider that you</p> <p>23 buy ads on an impression basis for, or are there</p> <p>24 other providers --</p> <p>25 MS. CLEMONS: Objection to form.</p>	<p style="text-align: right;">Page 225</p> <p>1 BY MS. GOODMAN:</p> <p>2 Q. And what extremely informal</p> <p>3 conversations between you and your colleagues are</p> <p>4 you referencing?</p> <p>5 A. Ones where we notice that all</p> <p>6 the digital ads that we place go through</p> <p>7 double-click; that the analytics come through</p> <p>8 Google analytics. There just seems to be a lot</p> <p>9 of Google along the ways. And we've had those</p> <p>10 comments, conversations and we just move on.</p> <p>11 Because, in the end of the day, we're just doing</p> <p>12 our jobs.</p> <p>13 Q. And have you rai -- ever raised those</p> <p>14 conversations with anybody outside of your</p> <p>15 colleagues?</p> <p>16 MS. CLEMONS: Objection to the extent</p> <p>17 that question calls for privileged communications</p> <p>18 with counsel. If you're -- if you can answer</p> <p>19 without referencing or being informed by</p> <p>20 privileged communications with counsel, you</p> <p>21 may do so.</p> <p>22 THE WITNESS: Sorry. I'm just trying to</p> <p>23 think and remember. It's mental gymnastics at</p> <p>24 this point. So --</p> <p>25 BY MS. GOODMAN:</p>

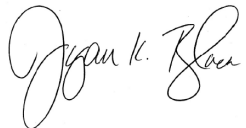
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<p style="text-align: right;">Page 246</p> <p>1 ads for CMS, the ad agency makes the purchase, 2 the ad agency pays Google for the purchase. CMS 3 does not pay Google directly, but, rather, sends 4 a check to the advertising agency? Am I correct? 5 MS. CLEMONS: Objection to form. 6 Foundation. Calls for a legal conclusion. 7 THE WITNESS: CMS sends an electronic 8 data -- electronic -- not data, EFT. What's it 9 called? Anyway, an electronic funds transfer to 10 our ad agencies for the purposes of ads from 11 Google. 12 BY MS. GOODMAN: 13 Q. And it does not send the EFT -- CMS does 14 not send the EFT to Google, correct? 15 MS. CLEMONS: Objection to form. 16 THE WITNESS: CMS sends the finances for 17 the ads, based on our direction and our strategic 18 planning, to our ad agencies to pay Google. 19 BY MS. GOODMAN: 20 Q. And what happens if the ad agency does 21 not pay Google? Can Google come seek payment 22 from CMS? 23 MS. CLEMONS: Objection to form. 24 Foundation. Calls for a legal conclusion. 25 THE WITNESS: A vendor who has</p>	<p style="text-align: right;">Page 248</p> <p>1 MS. CLEMONS: Objection to form. 2 Foundation. Calls for a legal conclusion. 3 THE WITNESS: I do not know if the FAR 4 prohibits purchasing of ads from Google. 5 BY MS. GOODMAN: 6 Q. Okay. Do you know if it permits it? 7 MS. CLEMONS: Objection to form, 8 foundation, and calls for a legal conclusion. 9 THE WITNESS: Well, as we do purchase 10 ads from Google, I imagine it does. 11 BY MS. GOODMAN: 12 Q. Okay. 13 A. Because the Contracting Office would 14 probably stop us. 15 Q. And does the FAR permit CMS to pay 16 Google directly, meaning sending the electronic 17 funds from CMS to Google, without using your ad 18 agency as the intermediary? Does the FAR permit 19 CMS to pay Google directly for any digital ads 20 that it buys. 21 MS. CLEMONS: Objection to form and 22 foundation and calls for a legal conclusion. 23 THE WITNESS: I'm not expert enough on 24 the FAR, nor do I think that the FAR directly 25 talks about that topic as you laid it out.</p>
<p style="text-align: right;">Page 247</p> <p>1 worked with a prime contractor for the federal 2 government -- and it's not paid for by the prime 3 contractor -- can reach out to the federal 4 government. 5 BY MS. GOODMAN: 6 Q. Okay. And when they -- when you say 7 "they can reach out to the federal government," 8 are you referring to any actual ability from 9 -- for them to demand payment from the federal 10 government? 11 MS. CLEMONS: Objection to form. 12 Foundation. Calls for a legal conclusion. 13 THE WITNESS: You are now getting into 14 areas of the FAR, which is what governs federal 15 payment of things, for which my knowledge is, 16 unfortunately, a little vague. 17 BY MS. GOODMAN: 18 Q. Okay. When you say the FAR, what do you 19 mean? 20 A. It is a -- part of the Federal Code that 21 governs the federal government's purchasing of 22 goods and services. 23 Q. Okay. And does the FAR permit CMS to 24 pay Google directly for any digital ads that it 25 buys.</p>	<p style="text-align: right;">Page 249</p> <p>1 BY MS. GOODMAN: 2 Q. Okay. In the normal course of your 3 work, do you consider the Department of Justice 4 Antitrust Division to be counsel for the 5 Strategic Marketing Group at CMS? 6 MS. CLEMONS: Objection to form. 7 THE WITNESS: Yes. 8 BY MS. GOODMAN: 9 Q. Why? 10 A. Because they are legal counsel for the 11 federal government, -- 12 Q. Okay. 13 A. -- and I'm part of the federal 14 government. 15 Q. When did you first become involved 16 -- strike that. 17 When did you first become aware of an 18 investigation by the Department of Justice into 19 Google? 20 MS. CLEMONS: Objection to form. 21 Foundation. 22 THE WITNESS: Approximately? 23 BY MS. GOODMAN: 24 Q. Yes. Approximately. 25 A. This past winter.</p>

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<p>1 Q. Was it in 2023 or 2022?</p> <p>2 A. I believe it was in 2023.</p> <p>3 Q. And how did you become aware in 2023 of</p> <p>4 an investigation by the Department of Justice</p> <p>5 into Google?</p> <p>6 MS. CLEMONS: Objection; privileged.</p> <p>7 And I'm going to instruct the witness not to</p> <p>8 answer to the extent that your answer would be</p> <p>9 informed by or reveal privileged communications</p> <p>10 with counsel.</p> <p>11 BY MS. GOODMAN:</p> <p>12 Q. Are you able to answer that question,</p> <p>13 sir?</p> <p>14 A. No.</p> <p>15 Q. Okay. So is it fair to say, then, you</p> <p>16 became aware of an investigation by DOJ through</p> <p>17 lawyers?</p> <p>18 MS. CLEMONS: Objection. Calls for</p> <p>19 privileged information. I'm going to instruct</p> <p>20 the witness not to answer.</p> <p>21 MS. GOODMAN: I'm not asking for the</p> <p>22 communications. I'm asking for how he learned of</p> <p>23 something. The fact of learning it from lawyers</p> <p>24 is not privileged, one way or another. I'm not</p> <p>25 asking for the communications by which he learned</p>	<p>1 Microsoft Teams invite for a meeting. Subject:</p> <p>2 DOJ HHS CMS call regarding online advertising</p> <p>3 purchasing, which you are on in the "To" line,</p> <p>4 correct?</p> <p>5 A. I'm trying to get the subject. I will</p> <p>6 say what is correct is that I am on the "To"</p> <p>7 line.</p> <p>8 Ah, there's the subject. Sorry.</p> <p>9 DOJ HHS CMS call regarding online</p> <p>10 advertising purchasing, so, yes, correct.</p> <p>11 Q. And this -- did you recall -- do you</p> <p>12 recall participating in this call on January 6th,</p> <p>13 2023?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And to your recollection, did the</p> <p>16 call last the 30 minutes between 3 and 3:30 p.m.</p> <p>17 as reflected on this meeting invite?</p> <p>18 A. I do not recollect.</p> <p>19 Q. Okay. Do you think it lasted longer or</p> <p>20 shorter than that amount of time?</p> <p>21 A. I do not recollect.</p> <p>22 Q. Okay. Did you understand the purpose of</p> <p>23 this call to -- for DOJ to understand how CMS</p> <p>24 buys online ads?</p> <p>25 MS. CLEMONS: Objection. To the</p>
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<p>1 of it. I'm not asking for the substance of any</p> <p>2 discussions. I'm asking for how he learned this</p> <p>3 fact.</p> <p>4 MS. CLEMONS: You are assuming that he</p> <p>5 learned something and then asking whether he</p> <p>6 learned that fact through communications with</p> <p>7 counsel, which is the topic of the communication</p> <p>8 with counsel through which someone would learn</p> <p>9 something.</p> <p>10 MS. GOODMAN: And it's the same kind of</p> <p>11 thing that would appear on a privilege log. It</p> <p>12 doesn't delve into the substance of the</p> <p>13 communications.</p> <p>14 MS. CLEMONS: I'm going to instruct the</p> <p>15 witness not to answer.</p> <p>16 BY MS. GOODMAN:</p> <p>17 Q. Okay. Are you going to follow that</p> <p>18 instruction?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 MS. GOODMAN: Can I have Tab 3?</p> <p>22 (Exhibit No. 71, a document Bates</p> <p>23 Numbered CMS-ADS-189390, was introduced.)</p> <p>24 BY MS. GOODMAN:</p> <p>25 Q. Exhibit 71, CMS-ADS-189390. This is a</p>	<p>1 extent that question calls for privileged</p> <p>2 communications with counsel, I'm going to</p> <p>3 instruct the witness not to answer if your answer</p> <p>4 would be informed by communications with counsel.</p> <p>5 BY MS. GOODMAN:</p> <p>6 Q. Are you able to answer that question?</p> <p>7 A. I'm going to take counsel's direction.</p> <p>8 Q. Okay. So the only knowledge you have as</p> <p>9 to the purpose of this call is from lawyers; is</p> <p>10 that correct?</p> <p>11 MS. CLEMONS: You can answer yes or no.</p> <p>12 THE WITNESS: I don't recall.</p> <p>13 BY MS. GOODMAN:</p> <p>14 Q. Okay. Sitting here today, can you think</p> <p>15 of any other source, other than communications</p> <p>16 with counsel, that informed your understanding of</p> <p>17 the purpose of this call in Exhibit 71 on January</p> <p>18 6th, 2023?</p> <p>19 MS. CLEMONS: I'm going to object to the</p> <p>20 extent it calls for communications with other CMS</p> <p>21 employees that were directed by counsel. So you</p> <p>22 may answer so long as your answer would not</p> <p>23 reveal privileged communications with counsel or</p> <p>24 directed by counsel.</p> <p>25 BY MS. GOODMAN:</p>

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<p style="text-align: right;">Page 290</p> <p>1 deposition is over and that Google does not have</p> <p>2 grounds to hold the deposition open.</p> <p>3 MS. GOODMAN: Okay. Thank you for your</p> <p>4 time, Mr. Koepke.</p> <p>5 THE WITNESS: It was my pleasure. This</p> <p>6 was fun.</p> <p>7 THE VIDEOGRAPHER: Time is 6:23 p.m.</p> <p>8 We're off the record.</p> <p>9 (Deposition concluded -- 6:23 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 292</p> <p>1 Katherine Clemons Esq</p> <p>2 Katherine.clemons@usdoj.gov</p> <p>3 August 22nd, 2023</p> <p>4 RE: United States, Et Al v. Google, LLC</p> <p>5 8/21/2023, Christopher Koepke (#6043164)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 (erratas-cs@veritext.com).</p> <p>16</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 291</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I do hereby certify that I am a Notary</p> <p>4 Public in good standing, that the aforesaid</p> <p>5 testimony was taken before me, pursuant to</p> <p>6 notice, at the time and place indicated; that</p> <p>7 said deponent was by me duly sworn to tell the</p> <p>8 truth, the whole truth, and nothing but the</p> <p>9 truth; that the testimony of said deponent was</p> <p>10 correctly recorded in machine shorthand by me and</p> <p>11 thereafter transcribed under my supervision with</p> <p>12 computer-aided transcription; that the deposition</p> <p>13 is a true and correct record of the testimony</p> <p>14 given by the witness; and that I am neither of</p> <p>15 counsel nor kin to any party in said action, nor</p> <p>16 interested in the outcome thereof.</p> <p>17</p> <p>18 WITNESS my hand and official seal this</p> <p>19 22nd day of</p> <p>20 </p> <p>21</p> <p>22 Notary Public</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 293</p> <p>1 United States, Et Al v. Google, LLC</p> <p>2 Christopher Koepke (#6043164)</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE____ LINE____ CHANGE____</p> <p>5 _____</p> <p>6 REASON_____</p> <p>7 PAGE____ LINE____ CHANGE____</p> <p>8 _____</p> <p>9 REASON_____</p> <p>10 PAGE____ LINE____ CHANGE____</p> <p>11 _____</p> <p>12 REASON_____</p> <p>13 PAGE____ LINE____ CHANGE____</p> <p>14 _____</p> <p>15 REASON_____</p> <p>16 PAGE____ LINE____ CHANGE____</p> <p>17 _____</p> <p>18 REASON_____</p> <p>19 PAGE____ LINE____ CHANGE____</p> <p>20 _____</p> <p>21 REASON_____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Christopher Koepke Date _____</p> <p>25</p>

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